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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
THE CITY OF NEWBURGH,

Plaintiff,

NOTICE OF MOTION

-against-

07 CV 6419 (SCR) (MLF)

96 BROADWAY, LLC and
DOUGLAS R. DOLLINGER,

Defendants.

-----X

SIRS:

PLEASE TAKE NOTICE that upon the annexed affirmation of STEVEN N. MILLIGRAM, ESQ., dated July 27, 2007, and upon all the prior pleadings and proceedings heretofore had herein, the undersigned will move this Court before the Hon. Stephen Robinson at the United States District Court for the Southern District of New York in White Plains, New York on a date to be set by the Court at 9:30 o'clock in the forenoon of that day for an order:

- 1) pursuant to 28 U.S.C. 1447(c), remanding this matter to the Honorable Justice, Joseph G. Owen, Justice of the Supreme Court of the State of New York, County of Orange;
- 2) pursuant to 28 U.S.C. 1447(c), awarding attorney's fees and costs to plaintiff; and
- 3) for such other and further relief as to this Court may deem just and proper.

Dated: Newburgh, New York
July 30, 2007

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Yours, etc.,

TARSHIS, CATANIA, LIBERTH,
MAHON & MILLIGRAM, PLLC

/S/

By:

STEVEN I. MILLIGRAM
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TO: DOUGLAS R. DOLLINGER
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